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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

A.H., a minor, individually and as) Case No. 2:22-cv-03671-SB-(ASx)
successor in interest to decedent, Richard)
Hayes, by and through his Guardian ad) **JOINT SCHEDULING**
Litem, Timothy Janson; S.H., a minor,) **CONFERENCE REPORT**
individually and as successor in interest)
to decedent, Richard Hayes, by and) Date: October 7, 2022
through her Guardian ad Litem, Timothy) Time: 8:30 a.m.
Janson; and TIFFANY HAYES,) Location: Courtroom 6C
individually and as successor in interest) 350 West First Street
to decedent, Richard Hayes;) Los Angeles, CA 90012
Plaintiffs,)
vs.) **Original Complaint**: May 27, 2022
COUNTY OF LOS ANGELES; and) **Responsive Pleading**: September 2,
DOES 1-10, inclusive.) 2022
Defendants.) **Trial (Proposed)**: October 3, 2023 or
November 14, 2023

1 Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and
2 this Court's Order dated September 2, 2022, counsel for Plaintiffs A.H., S.H., and
3 Tiffany Hayes, and Defendant County of Los Angeles, submit this Joint Scheduling
4 Conference Report.

5 This report is made following early meeting of counsel which took place on
6 September 7, 2022, as required by Federal Rules of Civil Procedure, Rule 26, and this
7 Court's order. The telephonic conference was attended by Eugenia Bagdassarian of
8 the Law Offices of Dale K. Galipo, counsel for Plaintiffs, and Jill Williams of
9 Carpenter, Rothans & Dumont, counsel for Defendant.

10

11 **1. SUBJECT MATTER JURISDICTION**

12 This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and
13 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United
14 States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the
15 United States Constitution. This Court has supplemental jurisdiction over Plaintiffs'
16 claims arising under state law pursuant to 28 U.S.C. § 1337(a), because those claims
17 are so related to the federal claims that they form part of the same case or controversy
18 under Article III of the United States Constitution.

19

20 **2. STATEMENT OF THE CASE**

21 a. PLAINTIFFS' STATEMENT:

22 This lawsuit arises out of the fatal encounter between Decedent Richard Hayes
23 ("Decedent") and sheriff's deputies working for the Los Angeles County Sheriff's
24 Department ("LASD"). On March 21, 2021, at approximately 7:30 p.m., several
25 County of Los Angeles Sheriff's deputies, including Defendants Does 1-8
26 ("Defendant Deputies"), unreasonably detained and/or arrested Decedent Richard
27 Hayes and used excessive and unreasonable force and restraint against him,
28 ultimately resulting in his death. Defendant Deputies were responding to a call to

1 assist Decedent for a potential mental crisis while Decedent was inside of his home.
2 Defendant Deputies contacted Decedent inside Decedent's home.

Without reasonable suspicion to detain, or probable cause to arrest, Decedent Defendant Deputies approached Decedent and attempted to forcibly restrain him. Prior to the use of force and during the application of force, Decedent did not pose an immediate threat to the deputies or anyone else. Nevertheless, Defendant Deputies tased, tackled, and placed their body weight on Decedent while he was prone and improperly restrained him, restricting his breathing. As a result of Defendant Deputies' unreasonable use of force and restraint against Decedent, Decedent suffered great physical pain and suffering up to the time of his death, loss of enjoyment of his life, loss of his life, and loss of his earning capacity.

12 After being restrained for an extended period of time, Decedent was immobile
13 and in obvious and critical need of emergency medical care and treatment. Defendant
14 Deputies did not timely summon medical care or permit medical personnel to timely
15 treat Decedent.

b. DEFENDANTS' STATEMENT:

17 This civil action arises from the use of force incident involving Richard Hayes
18 (“Decedent”) and Los Angeles County Sheriff’s Department deputies that occurred
19 on March 21, 2021. That day, Decedent was suffering a mental health episode, and
20 deputies responded to a call for service at his home. This response culminated with
21 the decedent committing a battery on one of the deputies as they attempted to leave
22 the home and the deputies tasing and restraining him in response. The defendant
23 asserts that the force used against the decedent was reasonable and denies that its
24 deputies violated the decedent’s or plaintiffs’ rights.

3. DAMAGES/INSURANCE

27 a. *Damages*: Plaintiffs' alleged damages include survival damages, as
28 they are successors in interest to Decedent, wrongful death damages,

1 and punitive damages. Plaintiffs also seek statutory attorney's fees.
2 At this early stage in litigation and absent any discovery responses
3 from Plaintiffs, Defendants have no information about the plaintiffs'
4 claimed damages and assert that punitive damages are unwarranted.

5 b. *Insurance*: The County of Los Angeles is permissibly self-insured
6 pursuant to Government Code § 990.

7

8 **4. Parties, Evidence, etc.**

9 Plaintiffs A.H. and S.H. are Decedent's minor children, and Plaintiff Tiffany
10 Hayes is Decedent's wife. Defendants are the County of Los Angeles and various
11 unnamed Doe defendants.

12 Other witnesses and/or individuals with information pertinent to this matter
13 may become known throughout the discovery process.

14

15 **5. Discovery**

16 a. *Status of Discovery*: The parties have not completed any discovery
17 at the time of the drafting of this report. However, the parties have
18 exchanged initial written discovery requests.

19 b. *Discovery Plan*: The parties will make initial disclosures on or
20 before October 7, 2022. There are no anticipated issues about
21 discovery of electronically stored information.

22 i. Plaintiffs

23 Plaintiffs have propounded written discovery on Defendant, including a request
24 for production seeking the materials pertaining to the investigation of this incident.
25 Plaintiffs anticipating deposing individual defendant deputies whose identities will
26 become known through Defendants' initial disclosures. Plaintiffs may also depose
27 EMTs, paramedics, and/or fire department personnel who arrived to provide medical
28 attention to Decedent. Plaintiffs may also depose a person most knowledgeable

1 regarding the Los Angeles County Sheriff's Department's policies, procedures, and
2 training pertaining to the use of force, including Tasers, the use of prone restraint, and
3 handling mental health calls.

4 Subjects on which plaintiffs claim discovery may be needed include: deputies' 5 training; deputies' prior uses of force, if any, including citizens' or internal 6 complaints made against the deputies; Los Angeles Sheriff's Department policies; the 7 handling of evidence by Los Angeles Sheriff's Department employees; medical 8 treatment provided to the decedent at the scene of the incident; and observations of 9 the involved deputies and other witnesses.

ii. Defendants

1 The County of Los Angeles has propounded written discovery on the plaintiffs
2 and will be subpoenaing pertinent records regarding the plaintiff and the decedent.
3 From the County's perspective, discovery will be needed on the following topics:
4 liability of individual and entity defendants, Decedent's history including his
5 educational background, employment history, mental health history, as well as the
6 scope and extent of damages incurred by the plaintiffs in this case.

6. Legal Issues

a. Plaintiffs

The following are among the principal issues raised by Plaintiffs' Complaint:

- 1) Whether the involved officers unreasonably detained and arrested Decedent under the Fourth Amendment;
- 2) Whether Defendant Deputies used excessive force;
- 3) Whether the tasing and excessive force restraint of Decedent interfered with Plaintiffs' right to a familial relationship with Decedent;
- 4) Whether the use of excessive force against Decedent was malicious, oppressive, or in reckless disregard of his rights;
- 5) Whether Defendant Deputies unreasonably denied medical care to Decedent

under the Fourth Amendment;

- 6) Whether the Los Angeles Sheriff's Department has unconstitutional policies, practices, or customs that were the cause of Decedent's and Plaintiffs' injuries;
- 7) Whether the Los Angeles Sheriff's Department failed to adequately train its officers;
- 8) Whether the Los Angeles Sheriff's Department ratified Defendant Deputies' unconstitutional actions that were the cause of Decedent's and Plaintiffs' injuries;
- 9) Whether Defendant Deputies were negligent with respect to their handling of the situation;
- 10) Whether Defendants violated the Bane Act; and
- 11) The nature and extent of Plaintiffs' and Decedent's damages, including wrongful death, survival, and punitive damages

b. Defendants

- (1) Whether the deputies had probable cause and/or reasonable suspicion to detain the decedent.
- (2) Whether the deputies' use of force was objectively reasonable under the circumstances.
- (3) Whether the defendants denied the decedent of medical care.
- (4) Whether there was an unconstitutional policy, custom, or practice that was the moving force behind any violation of the Decedent's or plaintiffs' rights.
- (5) Whether the County of Los Angeles was deliberately indifferent to inadequate training of the deputies.
- (6) Whether any to-be named deputy defendant is entitled to qualified immunity.
- (7) Whether the County and any involved deputies are immune from state claims by various sections of the Government Code.
- (8) Whether defendants can be liable under a theory of negligence.

- 1 (9) Whether Decedent was comparatively at fault.
- 2 (10) Whether the decedent was a qualified individual under the Americans with
- 3 Disabilities Act.
- 4 (11) Whether the deputies' actions were motivated by Decedent's claimed
- 5 disability.
- 6 (12) Whether the deputies acted with a specific intent to violate the plaintiff's civil
- 7 rights.

8

9 7. **Motions**

10 a. *Procedural Motions*: Plaintiffs anticipate filing either a motion to

11 amend to name the currently unidentified individual involved

12 deputies once such identities become available through initial

13 disclosures, or a stipulation to name the individual involved deputies.

14 Plaintiffs are hopeful that such amendment may be accomplished

15 through stipulation. The defendant has filed a Motion to Dismiss,

16 which is noticed for hearing on October 7, 2022. Depending on

17 evidence and facts learned through discovery, there may be additional

18 procedural motions that need to be filed.

19 b. *Dispositive Motions*: All parties anticipate filing motions in limine if

20 this matter proceeds to trial.

21 In addition, the defendant anticipates filing a Motion for Summary

22 Judgment with respect to all or some of Plaintiffs' claims at the close

23 of discovery. The parties expect to file discovery motions as needed

24 or to seek Magistrate assistance via information discovery

25 conference; pretrial Motions in Limine.

26 c. *Class Certification Motions*: Not applicable.

27

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1 **8. Alternative Dispute Resolution (ADR)**

2 a. *Prior Discussions*: No discussions have taken place at the time of the
3 drafting of this report.
4 b. *ADR Selection*: Counsel are amenable to using the attorney settlement
5 panel. If unsuccessful after a settlement conference through the
6 attorney settlement panel, the parties will discuss whether engaging
7 in private mediation would be productive.

8 **9. Trial**

10 a. *Proposed Trial Date*: Either October 3, 2023 or November 14, 2023.
11 b. *Trial Estimate*: The parties estimate the length of the trial at
12 approximately five to seven court days.
13 c. *Jury or Court Trial*: The parties request trial by jury.
14 d. *Magistrate Judge*: The parties are not asking to try the case before a
15 magistrate judge.
16 e. *Trial Counsel*: Dale K. Galipo will be lead trial counsel for the
17 Plaintiffs' case. Jill Williams will be lead trial counsel for
18 Defendants.

19 **20. Special Requests/Other Issues**

21 a. *Independent Expert or Master*: Counsel agree that neither a discovery
22 master nor independent scientific expert are needed for this lawsuit.
23 b. *Manual for Complex Litigation*: Counsel agree that this is not a case
24 which is sufficiently complex to be governed by the procedures of the
25 federal "Manual for Complex Litigation."
26 c. *Other issues*: A proposed protective order regarding production of
27 certain information will be prepared by the Defendant and filed with
28 the Court. Plaintiffs do not anticipate the trial being bifurcated.

1 **11. Case Management Order (CMO)**

2 a. Pretrial Dates:

3 Please also see the attached scheduling table.

5 DATED: September 27, 2022

LAW OFFICES OF DALE K. GALIPO

6 By: /s/ Dale K. Galipo

7 Dale K. Galipo¹
8 Attorney for Plaintiffs

9 DATED: September 27, 2022

10 By: /s/ Jill Williams

11 Jill Williams
12 Attorney for Defendant

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28 _____
1 As the filer of this document, I attest that all other signatories listed, and on whose behalf the filing is submitted,
concur in the filing's content and have authorized the filing.

1
EXHIBIT A2
JUDGE STANLEY BLUMENFELD3
EXHIBIT A: SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

4 Case No.:	5 2:22-cv-03671-SB-(ASx)		
6 Case Name:	7 <i>A.H., et al., v. County of Los Angeles, et al.</i>		
8 Matter	9 Plaintiff(s)' Request mo/day/year	10 Defendant(s)' Request mo/day/year	11 Court's Order
12 <u>X</u> Jury Trial or ___ Court Trial Length: 5-7 days	13 October 3, 2023 / November 14, 2023	14 Same	15
16 Final Pretrial Conference [L.R. 16] Hearing on Motions <i>In Limine</i>	17 September 12, 2023	18 Same	19
20 Trial Filings (2 nd Set) (2 weeks before PTC)	21 August 29, 2023	22 Same	23
24 Trial Filings (1 st Set) (4 weeks before PTC)	25 August 15, 2023	26 Same	27
28 ADR Cutoff (10 weeks before PTC)	29 July 5, 2023	30 Same	31
32 Non-Discovery Motion Filing Cutoff (12 weeks before PTC)	33 June 21, 2023	34 Same	35
36 Discovery Motion filing cutoff (14 weeks before PTC)	37 June 7, 2023	38 Same	39
40 Expert Discovery Cutoff (14 weeks before PTC)	41 June 7, 2023	42 Same	43
44 Rebuttal expert disclosure	45 May 24, 2023	46 Same	47
48 Initial expert disclosure	49 May 10, 2023	50 Same	51
52 Fact discovery cutoff (18 week before PTC)	53 May 10, 2023	54 Same	55
56 Last Date to hear on Amending Pleadings or Adding Parties	57 December 6, 2022	58 Same	59

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ADR [L.R. 16-15] Settlement Choice:61
____ Attorney Settlement Officer Panel62
____ Private Mediation63
____ Magistrate Judge